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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,788	08/01/2003	Juan M. Rozo	079.0001	1681

7590

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EXAMINER

GRANT, ALVIN J


ART UNIT

PAPER NUMBER

3723

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/631,788	<b>Applicant(s)</b> ROZO ET AL. 	
	<b>Examiner</b> Alvin J Grant	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-11, 13-17, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Dritz '132.

Referring to claims 1-5, 8-11, 13 and 21, Dritz discloses a pliers, comprising: a first arm having a first handle portion and a holder portion, a second arm pivotally mounted to the first arm and having a second handle portion and a gripping portion (Fig. 1); the holder portion is formed as an annulus; the gripping portion is formed as a planar annulus; the holder portion has the form of a shaped annulus having sidewalls, thereby defining a recess; the gripping portion has a gripping surface that has grooves formed therein; and the holder portion is formed as a first annulus and the gripping portion is formed as a second annulus are axially aligned when the pliers are in a closed position (Figs. 4, 5, 6 and 7).

Referring to claims 14-17 and 20, Dritz discloses a cup and planar annulus that may be used in combination, the annular cup and the planar annulus are axially aligned when the pliers are in a closed position; the annular cup is formed having sidewalls, thereby forming a recess; the annulus has a gripping surface that has grooves formed therein; and the annular cup is parallel to the planar annulus when the pliers are in a closed

position and the annular component is held between the annular cup and the planar annulus.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dritz in view of Grayson '812.

Dritz is described above. Dritz does not specifically disclose a strip attached to the pliers and positioned between the first and second arm. Grayson discloses pliers in which a strip is attached between the first and second handles so as to create a force between the arms when the pliers are in a closed position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the pliers of Dritz to have a strip attached between the first and second handles as taught by Grayson so as to create a force between the arms when the pliers are in a closed position.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dritz in view of Grayson and in further view of Vogt '969.

Dritz as modified is described above. The modified Dritz does not specifically disclose the handles being coated with high friction materials. Vogt disclose a pair of pliers in

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which the handles are coated a high friction material (rubber) so as to minimize if not preclude the occurrence the hand slipping therefrom. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have coated the handles of Dritz pliers with high friction material as taught by Vogt so as to minimize if not preclude the occurrence the hand slipping therefrom.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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